

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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No. 12-16461

MICHAEL DRAGOVICH, et al.,  
Plaintiffs - Appellees,

v.

UNITED STATES DEPARTMENT OF THE TREASURY, et al.,  
Defendants,

BIPARTISAN LEGAL ADVISORY GROUP OF THE  
U.S. HOUSE OF REPRESENTATIVES,  
Intervenor - Defendant - Appellant.

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No. 12-16628

MICHAEL DRAGOVICH, et al.,  
Plaintiffs - Appellees,

v.

UNITED STATES DEPARTMENT OF THE TREASURY, et al.,  
Defendants - Appellants,

BOARD OF ADMINISTRATION OF CALIFORNIA  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM, et al.,  
Defendants,

BIPARTISAN LEGAL ADVISORY GROUP OF THE  
U.S. HOUSE OF REPRESENTATIVES,  
Intervenor - Defendant.

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**STIPULATION FOR VOLUNTARY DISMISSAL OF APPEAL IN  
NO. 12-16461 AND DISMISSAL OF BIPARTISAN LEGAL ADVISORY  
GROUP OF THE U.S. HOUSE OF REPRESENTATIVES AS A PARTY  
IN NO. 12-16628**

In light of the Supreme Court's decision in *United States v. Windsor*, \_\_ U.S. \_\_, No. 12-307, 2013 WL 3196928 (U.S. June 26, 2013), and pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the parties hereby stipulate that the above-captioned appeal No. 12-16461 shall be dismissed. The parties shall bear their own costs on appeal; however, the dismissal is without prejudice to plaintiffs' rights to move for attorneys' fees in the district court.

The parties further stipulate that the Bipartisan Legal Advisory Group of the U.S. House of Representatives (the "House") shall be dismissed as a party to the above-captioned appeal No. 12-16628. This stipulation does not affect the continued pendency of appeal No. 12-16628, which was filed by the United States Department of the Treasury, et al. The House sought, and was granted, leave to intervene in this case "for the limited purpose of defending the constitutionality of Section III of the Defense of Marriage Act, Pub. L. No. 104-199, 110 Stat. 2419 (1996), codified at 1 U.S.C. § 7 ('DOMA'), from attack on the ground that it violates the equal protection component of the Fifth Amendment's Due Process Clause." Notice of Motion and Motion of the Bipartisan Legal Advisory Group of the U.S. House of Representatives to Intervene for a Limited Purpose (May 2, 2011) (ECF No. 72); Order Granting [Motion to Intervene for a Limited Purpose] (June 10, 2011) (ECF No. 88). The Supreme Court's decision in *Windsor* resolved

that issue, and the House has not taken a position on any other issue presented in this appeal. Accordingly, the House no longer has a role to play in this appeal.

Respectfully submitted,

Paul D. Clement

/s/ H. Christopher Bartolomucci

H. Christopher Bartolomucci

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July 19, 2013

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 19, 2013, the undersigned attorney—with the consent of all parties to the stipulation—electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ H. Christopher Bartolomucci  
H. Christopher Bartolomucci